



COMMONWEALTH *of* VIRGINIA

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Service Rules for the 698-746, 747-762 |) | WT Docket No. 06-150 |
| and 777-792 MHz Bands |) | |
| |) | |
| Implementing a Nationwide, |) | PS Docket No. 06-229 |
| Broadband, Interoperable Public Safety |) | |
| Network in the 700 MHz Band |) | |

SECOND FURTHER NOTICE OF PROPOSED RULEMAKING

**From the Virginia Information Technologies Agency
for Submission of Comments to FNPRM (FCC 08-128)**

Introduction

The Commonwealth of Virginia (COVA or Commonwealth) was founded on May 13, 1607. Currently the Commonwealth of Virginia (COVA or Commonwealth) has 95 counties, and 40 independent cities, 189 incorporated towns and covers some 40,767 square miles.¹ The Virginia Information Technologies Agency (VITA) is the Commonwealth's consolidated, centralized information technology organization.

¹ FACTPACK—Facts about the Commonwealth of Virginia, compiled by the National Federation of Business and the Virginia Legislative Office. (<http://www.virginia.gov>)

VITA is responsible for operation of IT infrastructure, governance of IT investments, and procurement of technology. VITA is the manager of the Commonwealth's state license, WPTZ775. These comments by VITA are made in support of the Commonwealth's other comments directly on behalf of the STARS program which are being filed separately in this proceeding.

COVA is currently engaged in the deployment of a public safety grade Statewide Agencies Radio System (STARS). This network is a cooperative of 23 State Agencies along with other specific partners, including Federal partnerships. The STARS radio system/network is rolled out in the Richmond extended area which includes 21 counties and a total of 4 cities. STARS is also rolled out in the Hampton Roads extended areas which include 13 counties and a total of 7 cities; with plans to rollout in the Northern Virginia area (4 counties and 5 cities) within the next 6 months. The STARS system is slated to be available statewide within the next 2 years. Within the typical operation on this system, STARS has high reliance on its 700 MHz system architecture. The 700 MHz component of the system allows users to have seamless communications to dispatchers, and individual and/or agency communications, outside their primary vehicle or sphere of duties area.

Background

On the 14th of May 2008, the Commission released the Second Further Notice of Proposed Rule Making (FNPRM). This FNPRM requested comment on several issues pertaining to the 700 MHz Service Rules and the Implementation of a Nationwide Interoperable Public Safety 700 MHz Network. The adoption of this 2nd Report and Order has had ramifications that has affected the Commonwealth of Virginia as well as other current 700 MHz users around the these United States of America. Although most of these comments will center and focus on the impact to Commonwealth/STARS, the comments and/or suggestions may have a positive or

certain relevance, benefit and application to all public safety 700 MHz users across these United States; and it is within that vision that these comments are given

Comments

VITA will principally provide comments that pertain to **‘Possible Revisions/Clarifications Relating to the 700 MHz Public/Private Partnership,’**²

With reference to paragraph 180 of FCC 08-128, VITA believes that the Commission should at the least revise or possibly eliminate the 10 million dollar liability cap on relocation cost. VITA suggests that the Commission revisit this cap and reevaluate the methodology and/or the data sources from whence the 10 million dollar cap was derived. VITA believes the cost to all 700 MHz stakeholders within the Commonwealth, not to mention all other current 700 MHz stakeholders within the United States, would strain the current 10 million dollar cap. Thus the current 700 MHz users would be left to compete for the few relative dollars and be burdened with making up the deficit expenditures in a process that was to be beneficial by nature of intent.

Within the context of paragraph 181 of FCC 08-128, the Commission asked the question if the required relocation and consolidation transition date for 700 MHz operations should coincide and be completed by the DTV transition date of February 17, 2009? To that question the VITA emphatically says no! This date will provide an addition layer of burden and hindrance to the Commonwealth given its current STARS mission, sphere of duties requirements, and current rollout status. The current DTV date if left unchanged or challenged would cripple the STARS end

² Narrowband Relocation—paragraphs 176-182 of FCC 08-128

users since a fair number of users would not likely be able to be relocated by that time, thus rendering their 700 MHz component within the STARS architecture as useless. VITA supports the concept proposed by the Commission that relocation occur on a rolling basis. We may also be opened to some other alternate methodology that would not overburden existing and/or near term deployments within 700 MHz public safety users. This alternate methodology should also be beneficial to the 'D' Block licensee thus motivating both the licensee and the public safety user to move forward in a timely manor.

With respect to the 'August 30th, 2007, cut off date for narrowband deployments outside of the consolidated narrowband spectrum,' the Commonwealth has the following comments:

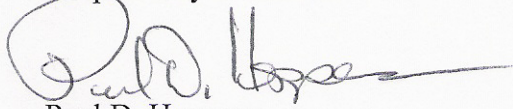
This date severally burdens the Commonwealth in its present form. For the purpose of concise illustration there is a fiscal and logistical burden.

Financially, the burden exist because the COVA has been planning and rolling out 700 MHz within certain areas within the Commonwealth over the last 2-2.5 years under state license WPTZ775. Thus most if not all equipment was installed within the pre-consolidated band plan. To that extent, the Commonwealth, (as well as other current 700 MHz users within the Country), are burdened because the of the Commissions dogmatic prohibition of any new narrowband operations within the old or original 700 MHz band plan 30 days following the adoption date of the second report and order and the ineligibility to have those units funded via the relocation funding. As a result there is now a logistical component introduced in addition to the financial consideration. The Commonwealth would be faced with the possibility

of having two non-interoperable independent deployed 700 MHz systems—one system pre-relocation and one system post-relocation. Obviously this is not practical in running a large scale statewide radio system. However we encourage that the Commission has realized the necessity of a waiver process to mitigate this dilemma. Yet the waiver process within itself would only satisfy the logistical concern and not relieve the financial considerations of those units that are deployed outside the August 30th, 2007 cut off date for narrowband deployments—thus making the public safety party (or parties) in this instance pay the relocation cost to the new consolidated band. Therefore it is our suggestion that the Commission should have some type of mechanism or process in place that allows consideration for both a post August 30th, 2007 deployment strategy and a process that allows those units deployed after the August 30th, 2007 deployment date to have access to additional relocation funding opportunities to move them to the consolidated band plan in a uniform manner. The end result would be a congruent process that allows for uniform deployment, band relocation and relocation funding.

In closing, the final comment that VITA makes relates to the overall broad view of the proposed 700 MHz public safety network. VITA is not convinced that this proposed network has a consistent meaning and understanding amongst different public safety interest. That is, in talking with different public safety users, some think of this network as a data only network, others believe it to be an integrated voice and data architecture. It is VITA's suggestion that the Commission publish and post on the internet an article or booklet, or sponsor town hall meetings, that clearly defines what this proposed network is, who should be eligible, and how much will it cost the average user.

Respectfully Submitted



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